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Passenger Rights and Airline Liability in the Post-Pandemic Era

Introduction:

The aviation industry in Bangladesh has been experiencing severe disruptions since the outbreak of the COVID-19 pandemic. Indeed, for many decades, the relationship between air carriers and passengers was regulated by a disparate legal framework, which emphasized the financial security of newly established air carriers rather than the fair restitution of consumers. Nevertheless, the advent of the post-pandemic world of international travel, together with the national implementation of the Montreal Convention of 1999 (MC99) through the Carriage by Air (Montreal Convention) Act, 2021, has brought about a paradigm shift towards strict liability and greater passenger protection.

Key Discussion:

The Civil Aviation Act, 2017 is primary aviation statute of Bangladesh. Although it does not specify compensation amounts for delays or cancellations, it embeds consumer protection within aviation governance. Section 45(s) mandates the protection of consumers' rights in civil aviation and assistance to accident victims and their families[1]. The Act empowers regulators to adopt ICAO standards and issue rules promoting safety, security, and passenger welfare.

A significant development is the Civil Aviation (Amendment) Ordinance, 2026, which explicitly incorporates "ensuring passenger service" into the statutory framework. Airlines are now under clearer legal obligations to uphold passenger safety, comfort, and rights. Complementary reforms targeting travel agencies aim to curb fraud and price manipulation, reinforcing transparency in ticket pricing and service quality[2].

Bangladesh domesticated the 1999 Montreal Convention through the Carriage by Air (Montreal Convention) Act, 2020. Under Montreal Convention Article 17, carriers are strictly liable for passenger injury or death resulting from an "accident" onboard or in the course of embarkation/disembarkation[3]. Under Article 19, airlines are liable for damages "occasioned by delay" unless they prove all reasonable measures were taken[4]. Articles 17–22 govern injury/death; Articles 22–30 govern baggage liability.

In the absence of a sector-specific compensation regulation, domestic enforcement often occurs through the Consumer Rights Protection Act, 2009. Passengers qualify as consumers of services and may lodge complaints with the Directorate of National Consumer Rights Protection (DNCRP) for deficient service. Bangladeshi authorities have used this mechanism to penalize airlines and order refunds.

In the post-pandemic era, travel conditions have changed, but the legal foundations remain. Airlines generally adopted flexible ticketing policies (fee waivers, rebooking) during COVID, though there is no single statute mandating refunds for cancelled flights in Bangladesh. Instead, affected passengers have relied on airlines' own policies or consumer-law remedies. Notably, Bangladesh has no equivalent of the U.S. DOT or EU refund mandate; the Supreme Court of India even ordered refunds for lockdown-canceled tickets[5], but Bangladesh took no such blanket step. Thus, passenger recourse after pandemic cancellations has been primarily contractual or via consumer complaints.

Concluding Remarks:

Passenger rights and airline liability in Bangladesh operate within a layered legal regime rather than a single compensation statute. The Civil Aviation Act establishes consumer protection as a policy objective; the Montreal Convention framework structures and limits liability; and consumer protection law provides accessible enforcement mechanisms. In the post-pandemic context, legislative amendments and regulatory reforms signal a growing commitment to passenger welfare, transparency, and accountability. While Bangladesh lacks a fixed-compensation model like the EU, its evolving framework increasingly aligns domestic aviation governance with international standards and consumer protection principles.

Source: EU Flight Compensation

1. Civil Aviation Act 2017, s 45(s)
2. Bangladesh Sangbad Sangstha (BSS), 'Advisers Council Okays Drafts of Aviation, Travel Laws' (13 November 2025) https://www.bssnews.net/news/331519 (accessed 13 February 2026).
3. Montreal Convention of 1999, Art 17
4. Montreal Convention of 1999, Art 19
5. AirHelp, 'Reimbursement and Compensation: Biman Bangladesh Airlines' (AirHelp, 2026) https://www.airhelp.com/en-int/airlines/biman-bangladesh-airlines/ (accessed 13 February 2026).

Cybersecurity and Data Protection in Aviation Operations

Introduction:

The aviation sector is no longer defined solely by aircraft and runways; it is increasingly powered by complex digital ecosystems[1]. Aviation operations today require digital systems that connect everything from online ticketing and biometric boarding systems to air traffic management software and cloud-based maintenance platforms. In Bangladesh, as the Civil Aviation Authority (CAAB) continues to expand along with the growth of Hazrat Shahjalal International Airport and the national carrier, Bangladesh Biman Airlines modernizing its fleet and services, digital transformation is accelerating. This process of digitalization in airports, airlines and air traffic control systems has substantially exposed the aviation industry to cyber threats. The pressing legal concerns now remain fixated on essential aspects, including passenger data protection, determining responsibility for cyber attacks, ensuring compliance with cybersecurity regulations, and assessing whether current aviation laws can handle new digital security threats.

Key Discussion:

Aviation operations require the collection of vast amounts of personal data, including passport details, travel history, payment information, and in some cases, biometric data. In Bangladesh, data protection is primarily governed by the Cyber Security Act and the Information and Communication Technology Act, which criminalize unauthorized access and data breaches. However, these laws fall short of being tailored to the daily aviation operations or large-scale cross-border data transfers.

International aviation requires Passenger Name Record (PNR) data sharing between different countries. This gives rise to immense regulatory gaps as there is no existing complete standalone data protection system that meets international standards[2]. A major cyber breach affecting a Bangladeshi airline could compromise sensitive passenger information and expose operators to not only reputational damage, but also potential cross-border liability claims.

Cyber-attacks in aviation can target airline reservation systems with ransomware while advanced hackers can breach air traffic control networks[3]. Assessing liability in such cases becomes difficult[4] when an attack disrupts flight operations or creates unprecedented safety hazards. In traditional civil aviation regulations, liability traditionally remains focused on physical accidents[5] or operational negligence. However, when it comes to holding airlines, IT vendors, third-party service providers, or state actors liable for cyber incidents, there is an absence of statutory guidance. This also leaves the victims with no avenue for effective remedies.

As a member of the International Civil Aviation Organization Bangladesh (ICAO), Bangladesh is expected to align its aviation security frameworks with international standards, which have been increasingly emphasized by ICAO under its aviation security manual[6]. CAAB has taken steps to improve aviation security, but cybersecurity-specific regulations remain in a developing stage. Mandatory cybersecurity audits, incident reporting obligations, and sector-specific compliance standards are some of the mechanisms that need to be adopted.

The existing aviation laws are yet to comprehensively address digital risks like system manipulation, data interception, or cyber sabotage. Moreover, with aviation increasingly integrating artificial intelligence globally, structural reforms aimed at automated air traffic systems and cloud-based data storage become urgent[7].

Concluding Remarks:

Cybersecurity is now inseparable from aviation safety. Bangladesh's modern aviation cybersecurity framework should clearly define data protection obligations, establish reporting requirements for cyber incidents, clarify liability standards, and ensure coordination between CAAB, law enforcement agencies, and digital security authorities.

Regulatory alignment with ICAO standards, and institutional capacity building will be essential to protect passenger trust, national security, and the integrity of Bangladesh's aviation sector in the digital age.

Source: futuretravelexperience.com

1. 'Digital Transformation in Aviation: Smarter Travel Ecosystems' (SIA, 21 August 2025) < https://www.sia-partners.com/en/insights/publications/digital-transformation-aviation-smarter-travel-ecosystems> accessed 11 February 2026.
2. International Airport Transport Association, 'Data Protection & Privacy' (IATA) <https://www.iata.org/en/programs/passenger/data-protection-privacy/ > accessed 11 February 2026.
3. James Pearson, 'Airport chaos highlights rise in high-profile ransomware attacks, cyber experts say' (Reuters, 23 September 2025) https://www.reuters.com/legal/government/airport-chaos-highlights-rise-high-profile-ransomware-attacks-cyber-experts-say-2025-09-22/ accessed 11 February 2026.
4. Allakuliev Mirdjalol Davronbekovich, 'Legal regulation of liability for cyber attacks and data breaches' (2024) 10(5) International Journal of Law <https://www.lawjournals.org/assets/archives/2024/vol10issue5/10234.pdf> accessed 11 February 2026.
5. Paul Stephen Dempsey, 'Accidents & Injuries in International Air Law: The Clash of the Titans' (2011) McGill University https://www.mcgill.ca/files/iasl/Titans.pdf accessed 12 February 2026.
6. International Civil Aviation Organization, 'Annex 17 – Security: Safeguarding International Civil Aviation Against Acts of Unlawful Interference' (10th ed, ICAO, April 2017)
7. Antonio Cabeza, Francisco Serrano and Leticia Fernández Abella, 'The AI trends that will shape aviation in 2026' (ALG Global, 29 January 2026) https://www.alg-global.com/blog/aviation/ai-trends-will-shape-aviation2026#:~:text=By%202026%2C%20the%20differentiator%20will,and%20coordination%20across%20the%20organization accessed 12 February 2026.

Civil Aviation (Amendment) Ordinance, 2026

Ordinance No. 02 of 2026

Gazetted: January 1, 2026

Introduction:
The Civil Aviation Act, 2017 (hereinafter 'the Act'), was enacted on 19 February 2017 to modernize the aviation regulatory framework of Bangladesh. Its primary objectives include ensuring the safety and efficiency of air services, as well as compliance with the Chicago Convention and its Annexes. However, in recent years, the sector has faced persistent challenges, for example, opaque ticketing practices, artificial fare inflation, passenger harassment through syndication, and fake bookings. To address these challenges, align the law with contemporary needs, the government enacted the Civil Aviation (Amendment) Ordinance, 2026 (hereinafter 'the Ordinance') on January 1, 2026.

Key Discussion:
One of the foundational changes is the explicit inclusion of 'ensuring passenger service' in the long title and preamble after the word 'control' under sections 2 and 3 of the Ordinance. The Ordinance includes new definitions in section 2 of the Act, as provided under section 4 of the Ordinance. These include ground handling service providers, public interest, tariffs, travel agencies, distribution channels, passenger services, and general sales agents (GSA). Additionally, the term 'person' now encompasses legal entities and institutions.

Section 5 of the Ordinance significantly reforms section 9 of the Act concerning the appointment and operations of General Sales Agents (GSAs). It provides that every foreign air operator shall either open its offices in Bangladesh or appoint 100% Bangladeshi-owned entities as GSAs, while local operators can only appoint GSAs with prior notification to the concerned authority. Most importantly, it inserts new sub-sections (6) and (7), which save air services from disruption for disputes over GSAs or cancellation of their registration for ensuring continuity of air services to the passengers.

The Ordinance adds entirely new sections 9A and 9B under section 6 of the Ordinance, which mandate registration for all ground handling service providers and distribution channels, with rules on technical standards, cyber security, data protection, real-time API access for the Chairman.

Section 7 of the Ordinance substitutes section 14 of the Act, which empowers the Government and Chairman to issue orders specifically for passenger service. The major reforms are in the new sections 43A to 43E introduced under section 8 of the Ordinance. In section 43A, air operators are to file minimum and maximum tariffs for approval. An advisory board for recommending fees, charges, royalties, and fares is to be formed. In section 43B, policies for the development of sustainable fuel for air transport to reduce carbon emissions are to be implemented. In section 43C, air operators are to be prohibited from owning travel agencies and GSA's, but direct sales through their own platforms are allowed. In section 43D, the development of frontier technologies such as AI and blockchain is to be promoted in compliance with cyber security laws.

Pros:
The Ordinance brings several important advantages. By licensing distribution channels and mandating tariff transparency, it has already curbed syndication and fake bookings, leading to noticeable fare reductions such as Dhaka-Jeddah tickets dropping from Tk 105,000 to Tk 53,000–60,000 within weeks of implementation. Registration of ground handlers and digital platforms enhances accountability and data security. Additionally, the formation of an advisory board promotes expert-based decision-making in setting out aviation fees and charges.

Cons:
Despite its progressive intent, the Ordinance has sparked concerns from industry stakeholders, including the International Air Transport Association (IATA), which has warned that regulating airfares would undermine airlines' ability to use dynamic pricing to manage load factors, financial performance and customer needs. Such restrictions could lead to higher fares for price-sensitive passengers, reduced service quality, and risks to the viability of marginal routes. Heavy reliance on digital registration and real-time API access raises questions about the digital divide, cybersecurity vulnerabilities, and the readiness of smaller agencies and rural users. Without proper implementation guidelines and adequate transition periods, the reforms risk creating short-term disruptions or unintended bureaucratic hurdles.

Concluding Remarks:
The Civil Aviation (Amendment) Ordinance, 2026, represents a significant milestone and timely evolution in reforming the aviation sector of Bangladesh. By addressing ticket syndication, fare opacity, and service gaps through licensing, oversight, and technology, it has already delivered tangible benefits to the travelling public. However, its long-term success will depend on pragmatic implementation, meaningful stakeholder engagement, robust cybersecurity measures, and periodic reviews to prevent unintended consequences.

MGH Infocomm Ltd. v Bangladesh (Secretary, Ministry of Information)

Writ Petition No. 3535 of 2005, decided on 14 December 2006 by the
Supreme Court of Bangladesh (High Court Division)

Summary:

This writ petition concerns administrative inaction by the Ministry of Information in granting regulatory approval to a licensed broadcaster. MGH Infocomm Ltd., a private company engaged in distributing foreign television channels, sought judicial intervention after prolonged delay in issuing No Objection Certificates (NOCs) and licences required to operate STAR channels in Bangladesh.

The High Court Division held that such persistent inaction amounted to arbitrary exercise of discretion and violated principles of fairness and legitimate expectation. The Court made the Rule absolute, directing the respondent to issue NOCs and to dispose of the pending licence application within a fixed timeline, emphasizing that statutory discretion carries an enforceable duty to act reasonably and promptly.

Facts of the Case:

MGH Infocomm Ltd., incorporated under the Companies Act, 1994, entered into a distribution agreement in July 2004 with Asian Broadcasting FZ-LLC (Dubai) to operate STAR channels in Bangladesh. To lawfully conduct this business, the company applied to the Ministry of Information for the necessary NOCs under prevailing guidelines (Nitimala).

Despite repeated applications, the Ministry failed to act for over two years. During this period, the regulatory framework evolved, culminating in the enactment of a new statute in September 2006, which replaced NOC requirements with a formal licensing regime. The petitioner, now holding a distributor licence for certain channels pursuant to earlier court directions, applied on 17 October 2006 for a fresh licence covering additional channels.

However, even after this application, the Ministry remained inactive. Earlier judicial intervention had already resulted in NOCs and licences being granted for three channels, establishing a precedent in favour of the petitioner. The petitioner argued that continued delay threatened its business operations and goodwill, while the government continued to benefit financially from its activities.

Facing administrative inertia, the petitioner filed the present writ under Article 102 of the Constitution seeking mandamus to compel issuance of NOCs and registration/licensing.

Issues:

1. Whether the respondent's prolonged failure to decide on the petitioner's applications amounted to unlawful inaction.
2. Whether the petitioner had a legitimate expectation of consistent treatment, given earlier issuance of NOCs and licences.
3. Whether the High Court Division could compel the authority to exercise its statutory discretion through mandamus.
4. Whether refusal (or silence) in granting NOCs and licences, despite established precedent, was legally sustainable.

Relevant Provisions

- Article 102(a)(i), Constitution of Bangladesh – empowers the High Court Division to issue directions to public authorities to perform duties imposed by law.
- Sections 4 and 5 of the governing licensing statute (2006 Act) – require timely disposal of licence applications and protect existing operators during the pendency of renewal applications.
- Specific Relief Act, 1877 (sections 4 and 5) – reinforces principles governing enforceable legal duties.

The Court emphasized that these provisions collectively impose not merely discretionary power but a corresponding obligation on authorities to act fairly, reasonably, and within prescribed timelines.

Judgment

The Court found that the respondent had failed to exercise its statutory discretion, characterizing the delay as deliberate and arbitrary. It observed that administrative silence can be as prejudicial as an express refusal, especially where business continuity and financial interests are at stake.

Crucially, the Court relied on the doctrine of legitimate expectation, noting that since the Ministry had previously granted NOCs and licences to the same petitioner for other channels, any inconsistent refusal would be legally unsustainable. Public authorities are required to act consistently unless justified by lawful reasons.

The Court further held that while it cannot dictate the outcome of administrative discretion, it can compel the authority to exercise that discretion. Applying principles of mandamus, the Court directed:

- The respondent must issue NOCs for the specified STAR channels.
- The Ministry must also take necessary steps to ensure registration/licensing is granted in accordance with law.
- The pending licence application dated 17 October 2006 must be disposed of within two months from receipt of the certified judgment copy.

The Rule was made absolute, with no order as to costs. The judgment reaffirmed that regulatory bodies cannot benefit from an applicant's compliance while keeping approval indefinitely pending. Such conduct offends fairness, predictability, and public law standards of good governance.

Conclusion:

This case firmly establishes that administrative discretion carries an enforceable duty to act. Prolonged inaction by regulatory authorities, especially where prior approvals create legitimate expectations, can be corrected through constitutional writ jurisdiction.

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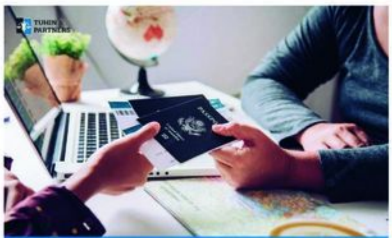

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